

IN THE SUPREME COURT OF THE STATE OF WASHINGTON

In re

STEPHEN D. CRAMER,
Lawyer (Bar No. 9085).

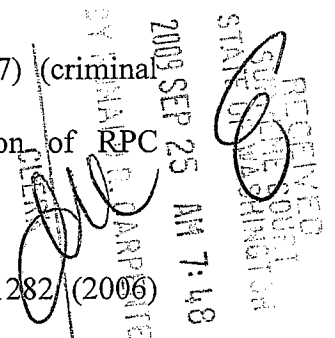
Supreme Court No. 200,674-4

ASSOCIATION'S SECOND
STATEMENT OF ADDITIONAL
AUTHORITIES (RAP 10.8)

The Washington State Bar Association (Association) submits this second statement of additional authorities under RAP 10.8.

The following authorities address an issue raised by the Court during oral argument, namely, whether a criminal conviction is a prerequisite for finding a violation of RPC 8.4(b):

1. In re Slaughter, 929 A.2d 433, 445 (D.C. 2007) (criminal conviction not prerequisite for finding violation of RPC 8.4(b));
2. In re Treinen, 139 N.M. 318, 320, 131 P.3d 1282 (2006) (criminal conviction not prerequisite for finding a violation of rule equivalent to RPC 8.4(b));
3. Attorney Grievance Comm'n v. Jordan, 386 Md. 583, 593-94, 599, 873 A.2d 1161 (2005) (criminal conviction not prerequisite for finding violation of RPC 8.4(b));



4. In re Lawrence, 332 Or. 502, 507, 31 P.3d 1078 (2001)
(criminal conviction not prerequisite for finding violation of
rule equivalent to RPC 8.4(b));
5. In re McEnaney, 718 A.2d 920, 921 (R.I. 1998) (criminal
conviction not prerequisite for finding violation of RPC
8.4(b));
6. In re Riddle, 700 N.E.2d 788, 793 (Ind. 1998) (criminal
conviction not prerequisite for finding violation of RPC
8.4(b));
7. People v. Odom, 941 P.2d 919, 921 (Colo. 1997) (criminal
conviction not prerequisite for finding violation of RPC
8.4(b));
8. In re Gurstel, 540 N.W.2d 838, 841 (Minn. 1995) (criminal
conviction not prerequisite for finding violation of RPC
8.4(b));
9. Comm. on Prof'l Ethics & Conduct v. Hall, 463 N.W.2d 30, 35
(Iowa 1990) (criminal conviction not prerequisite for finding
violation of predecessor to RPC 8.4(b));
10. In re Ettinger, 128 Ill. 2d 351, 368-69, 538 N.E.2d 1152 (1989)
(criminal conviction not prerequisite for finding violation of
predecessor to RPC 8.4(b));

11. State Bar v. Rush, 121 N.C. App. 488, 490, 466 S.E.2d 340 (1979) (criminal conviction not prerequisite for finding violation of rule equivalent to RPC 8.4(b));
12. Matter of Robinson, 70 A.D.2d 209, 210 n.1, 420 N.Y.S.2d 430 (1979) (criminal conviction not prerequisite for finding violation of predecessor to RPC 8.4(b));
13. Geoffrey Hazard & W. William Hodes, Law of Lawyering §65.4 at 65-10 (3d ed. 2002) (acquittal or dismissal of a criminal charge does not preclude a disciplinary sanction under RPC 8.4(b) based on the same conduct);
14. Restatement (Third) of the Law Governing Lawyers §5, cmt. g (2000) (absence of criminal conviction does not preclude disciplinary prosecution);
15. Charles W. Wolfram, Modern Legal Ethics 91 (1986) (“[a] lawyer may be disciplined for acts that also constitute a crime, even if no prosecution was brought or if the lawyer was acquitted or the criminal charges were dismissed”);
16. Accord, In re Disciplinary Proceeding Against Rentel, 107 Wn. 2d 276, 287-88, 729 P.2d 615 (1986) (criminal conviction not prerequisite to disciplinary action, citing predecessor to RPC 8.4(i));

17. Cf., In re Quaid, 646 So. 2d 343, 350 (La. 1994) (RPC 8.4(b) violation not proved where respondent lawyer not charged or convicted of a crime) abrogated by In re Bertucci, 990 So. 2d 1275, 1278-79 (La. 2008) (finding violation of RPC 8.4(b) despite lack of criminal conviction).

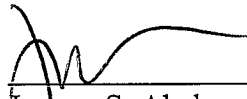
The following authority relates to the issue of the relationship between tax law violations and fitness to practice law, as addressed at pages 20-21 of the Association's brief:

1. Geoffrey Hazard & W. William Hodes, Law of Lawyering §65.4 at 65-10 (3d ed. 2002) (“[t]hose who wish to challenge their tax liability are given ample opportunity to do so through legal procedures; tax cheats are thus violating the very concept of the rule of law, and that is intolerable in a lawyer”).

DATED THIS 24th day of September, 2009.

Respectfully submitted,

WASHINGTON STATE BAR ASSOCIATION



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